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COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 19, 2001

APPLICATION OF

NORTHPOINT COMMUNICATIONS
OF VIRGINIA, INC.

CASE NO. PUC010097

For cancellation of certificates
of public convenience and necessity
to provide local exchange and
interexchange telecommunications
services

FINAL ORDER

On March 26, 2001, NorthPoint Communications of Virginia, Inc. ("NorthPoint" or the "Company"), filed a letter application requesting the State Corporation Commission ("Commission") to cancel the Company's certificates of public convenience and necessity authorizing it to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. Pursuant to an Order entered on March 24, 1998, in Case No. PUC980001, the Commission granted NorthPoint Certificate No. T-406 to provide local telecommunications services and Certificate No. TT-46A to provide interexchange telecommunications services.

In support of its request, NorthPoint states that, while it is certificated as a competitive local exchange carrier, it does not provide dial tone service to end-users. It provides only

high speed DSL service which has been determined by the Federal Communications Commission to be an interstate service.¹ In addition, the Company references a March 22, 2001, Order of the United States Bankruptcy Court, Northern District of California, San Francisco Division, wherein that Court ordered the sale of substantially all of the assets of NorthPoint, its parent, and its affiliates to AT&T Corp.²

NOW THE COMMISSION, having considered NorthPoint's application and the representations detailed therein, is of the opinion and finds that NorthPoint is not providing intrastate telecommunications services to customers in Virginia. We will, therefore, consistent with NorthPoint's request, approve the above-captioned application and cancel the Company's certificates to provide local exchange and interexchange telecommunications services in Virginia.

Accordingly, IT IS ORDERED THAT:

¹ NorthPoint states that it "has no retail customers" and that "its only customers are businesses that resell NorthPoint's DSL services." Letter at 2. Additionally, NorthPoint does not have intrastate tariffs on file with this Commission.

² NorthPoint also requests approval and waiver of all applicable laws relating to the transfer of NorthPoint's assets in accordance with, or as a result of, the United States Bankruptcy Court's Order "to the extent any approvals or consents are required even after the withdrawal of NorthPoint's operating authority." Application at 1. Chapter 5 of Title 56 of the Code of Virginia requires Commission approval to "acquire or dispose of . . . a telephone company, or all of the assets thereof." Such approval is not required in this instance since NorthPoint is not a "telephone company" after its operating authority has been terminated.

(1) NorthPoint Communications of Virginia, Inc.'s certificate of public convenience and necessity, Certificate No. T-406, to provide local telecommunications services in Virginia is hereby canceled.

(2) NorthPoint Communications of Virginia, Inc.'s certificate of public convenience and necessity, Certificate No. TT-46A, to provide interexchange telecommunications services in Virginia is hereby canceled.

(3) There being nothing further to be done in this matter, this case shall be dismissed and the papers placed in the file for ended causes.